

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Division

FILED

February 22, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: lad
DEPUTY

JAMES EDWARD MCNEAL

Case No.

6:21cv160
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

NAVARRO COUNTY SHERIFF DEPARTMENT;
TEXAS DEPARTMENT OF PUBLIC SAFETY; SG1
JEFF HARBUCK, THREE OTHER SHERIFF'S WH
NAMES ARE UNKNOWN AT THIS TIME, ONE C
OFFICER WHOSE NAME IS UNKNOWN AT THI

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	JAMES EDWARD MCNEAL		
Address	15501 FM 744		
	PURDON	TX	76679
	City	State	Zip Code
County	NAVARRO		
Telephone Number	4692642610		
E-Mail Address	mcne3898@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	NAVARRO COUNTY SHERIFF DEPARTMENT		
Job or Title (if known)			
Address	312 W 2nd Ave, Corsicana, TX 75110		
	CORSICANA	TX	75110
	City	State	Zip Code
County	NAVARRO		
Telephone Number	(903) 654-3002		
E-Mail Address (if known)			
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	SGT. JEFF HARBUCK		
Job or Title (if known)			
Address	312 W 2nd Ave, Corsicana, TX 75110		
	CORSICANA	TX	75110
	City	State	Zip Code
County	NAVARRO		
Telephone Number	(903) 654-3002		
E-Mail Address (if known)			
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name

TEXAS DEPARTMENT OF PUBLIC SAFETY

Job or Title (if known)

Address

3030 SOUTH US HIGHWAY 287

CORSICANA

TX

75109

City

State

Zip Code

County

NAVARRO

Telephone Number

(903) 872-5631

E-Mail Address (if known)



Individual capacity



Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? UNDER THE COLOR OF LAW, THE SHERIFF DEPARTMENT AND THE DEPARTMENT OF PUBLIC SAFETY CAME TO MY HOUSE AND TRIED TO KICK MY DOOR IN, SAID THEY CAN ARREST ME BECAUSE THEY CLAIM I HAD WARRANTS, DEMANDED TO SEARCH MY PLACE OF RESIDENCY WITHOUT A SEARCH WARRANT, REFUSED TO EXIT PROPERTY AT THE REQUEST OF THE PROPERTY OWNER, INFORMED ME THAT THEY HAD PUT PEOPLE IN JAIL FOR NO REASON, REACHED FOR THEIR GUNS EVEN THOUGHT I HAD NO GUN ON MY PERSON.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

UNDER THE COLOR OF LAW, THE SHERIFF DEPARTMENT AND THE DEPARTMENT OF PUBLIC SAFETY CAME TO MY HOUSE AND TRIED TO KICK MY DOOR IN, SAID THEY CAN ARREST ME BECAUSE THEY CLAIM I HAD WARRANTS, DEMANDED TO SEARCH MY PLACE OF RESIDENCY WITHOUT A SEARCH WARRANT, REFUSED TO EXIT PROPERTY AT THE REQUEST OF THE PROPERTY OWNER , INFORMED ME THAT THEY HAD PUT PEOPLE IN JAIL FOR NO REASON, REACHED FOR THEIR GUNS EVEN THOUGHT I HAD NO GUN ON MY PERSON.

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

UNDER THE COLOR OF LAW, THE SHERIFF DEPARTMENT AND THE DEPARTMENT OF PUBLIC SAFETY CAME TO MY HOUSE AND TRIED TO KICK MY DOOR IN, SAID THEY CAN ARREST ME BECAUSE THEY CLAIM I HAD WARRANTS, DEMANDED TO SEARCH MY PLACE OF RESIDENCY WITHOUT A SEARCH WARRANT, REFUSED TO EXIT PROPERTY AT THE REQUEST OF THE PROPERTY OWNER , INFORMED ME THAT THEY HAD PUT PEOPLE IN JAIL FOR NO REASON, REACHED FOR THEIR GUNS EVEN THOUGHT I HAD NO GUN ON MY PERSON.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
At my house, 15501 FM 744, Purdon Texas 76679

- B. What date and approximate time did the events giving rise to your claim(s) occur?
12/16/2014 approximately at 10:01PM and 10/01/2020 at 12:00 PM

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
Please see exhibit A and exhibit B attached:

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

NO INJURIES

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

NAVARRO COUNTY SHERIFF DEPARTMENT IS TO NEVER ENTER MY PROPERTY AGAIN, NAVARRO COUNTY SHERIFF DEPARTMENT IS TO PAY ME \$700,000.00 FOR ACTUAL DAMAGES TO MY CIVIL RIGHTS AND \$700,000.00 IN PUNITIVE DAMAGES FOR THE CONTINUE DISREGARD FOR MY CONSTITUTIONAL AND CIVIL RIGHTS

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/27/2020

Signature of Plaintiff

Printed Name of Plaintiff


JAMES EDWARD MCNEAL

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

469-264-2610

E-mail Address

MCNE3898@YAHOO.COM

12/16/2014

Exhibit A

10:01pm

On December 15, 2014 between 8:30 and 9:00pm I was in the bath when I heard a knock at my door. I got out the tub and wrap the towel around me and went to the door to see who it was, after seeing the two sheriffs, I crack the door and ask them what the hell they want. The fat tall sheriff said we are here to do verification. I said ok let me go put some clothes on and proceeded to close the door until I return and the fat tall sheriff started to walk up the steps to enter my place and I told him not to come in my house. As I went to close the door he, the fat tall sheriff stuck his foot in my door and tried to force the door open. I stood there holding the door as he pushed on the door, opposite and equal force; we exchanged words while I held the door. The force applied to the door has left the door off balance to the point I have to lift and force the door to close now. After looking at my video I notice the sheriffs walking around my place searching with flash lights in my back yard before I even got to the door. My place is private property and under no circumstances did I or would I give the sheriff department permission to enter the property nor search the property. The actions of the sheriff at my door could have easily turned into an ugly situation that would have required time, money and possible tears on both sides. I will pursue this to whatever level of court I have to take it to.

James McNeal

James McNeal

Exhibit B , Page 1

15501 FM 744

Purdon Texas 76679

Today's Date: 10/01/2020

Like a cancer, an event that took place at my house, my backdoor will not heal in my brain. This event took place somewhere between January and March of 2020. I would know, because the frame to my house was not yet set on the foundation. I was in my house (trailer) organizing tasks for the building of my house, when a Sheriff and another white male showed up at my backdoor. He sheriff stated that the other white male was the State Police. He was dressed in a green uniform, vest and leg vest. The sheriff said, I brought the State Police with him as if it would validate them trespassing on my property and later threatening my life in more than one way. I would later understand that the whole event was based on retaliation.

Since I know I had broken no laws, my first question to the both of them was, "what the fuck you doing on my property." The Sheriff replied, "We can come whenever we want to." I replied, "no the fuck you can't." The white male in the fully vested green uniform, as me for a copy of my license, I went and got my license. The white male in the fully vested green uniform handed my license to the sheriff and instructed him with a voice that I guess was supposed to intimidate me, to run the license. The Sheriff said to him, that there is nothing on it; the white male in the fully vested green uniform said to the Sheriff, run it anyway. The Sheriff walked to the end of the trailer for about 60 seconds and return with my license. The white male in the fully vested green uniform, told me, he was going to search my garage building and told me to unlock it. I told him, "You and your mother suck dick together and fight over the load." I then told him, he was not going to search anything on my property. The conversation got heated, to the point the Sheriff walked to the end of the trailer and looked out to the road and then walked backed with his hand on his gun and said, "forget it lets just do it and get it over with." Meanwhile the white male in the fully vested

green uniform kept telling me he was going to search something, and then started put his foot on my steps and demand I let him in my trailer. I replied at that time, you are the dumbest pale face bitch in the state of Texas, if you think you are going to search anything on my property. I guess my statement of calling him a dumb pale face bitch struck a nerve, because the white male in the fully vested green uniform grab his gun and pulled it while look me in the eyes with an angry face, as if he was going to shoot me. The sheriff stated at that time, "That's what I mean, let's get it over with." I was so upset, I told them both, "that if they did not shot me, their mothers suck dick together and fight each other over the load." Seeing and experiencing this at my backdoor, knowing I broke no laws, have killed any trust I will ever have in the Sheriff Department and the State Police (Defund), and I will kill the next one that come to my property. The conversation remained heated to the point the white male in the fully vested green uniform whom at this time was on my steps, raised his leg and motion like he was going to kick my door which was already open, this brought back memories of the first complaint I filed against Navarro Sheriff Department and it also showed me that the whole act of trespassing and threatening my life was centered around retaliation.

I repeatedly told the Sheriff and the white male in the fully vested green uniform to exit the property and never return, but the Sheriff, after all that was said and done, reminded me that it was he, who came to my house a year or two back and told me I had a warrant for my arrest. This event also pissed me off to the point I call the Sheriff department in Navarro County, Dallas County and the Dallas Police Department. I told the Sheriff at that time I had no warrants, but he was mind bend on arresting me. This Sheriff reminds me of the movie, Mississippi Burning, how a person can use their uniform to overpower an innocent person in order to hurt them. The Sheriff also explains to me that his son removed dirt from my property and tried to explain it in a way that would make it right, NO, it can never be right. This whole set of events have kept me restless to the point I have to seek an end to the madness in order to have peace.

COMPLAINANT'S ALLEGATION

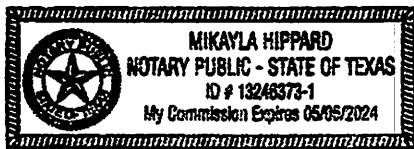
See Attached

I solemnly swear and affirm that all the allegations made by me in this report are true and correct to the best of my knowledge and belief.

James McNeil
Signature

COUNTY OF NAVARRO
STATE OF TEXAS

SWORN AND Subscribed to before me, this the 1st day of October, A.D. 2020



Mikayla Hippard
Notary Public
State of Texas

My Commission expires: 5/5/2024



PHILLIP G. AYALA
INSPECTOR GENERAL

TEXAS DEPARTMENT OF PUBLIC SAFETY

OFFICE OF INSPECTOR GENERAL

SUMMIT EXECUTIVE CENTRE
13706 RESEARCH BLVD., STE. 100
AUSTIN, TEXAS 78750-1838

(512) 424-5017

www.dps.texas.gov



COMMISSION
STEVEN P. MACH, CHAIRMAN
NELDA L. BLAIR
STEVE H. STODGHILL
DALE WAINWRIGHT

November 9, 2020

James McNeal
15501 FM 744
Purdon, Texas 76679
mcne3898@yahoo.com

Re: Complaint OIG2020-0498

Dear Mr. McNeal:

This correspondence is to inform you that your complaint has been received in our office. Thank you for providing this information to our office. The Office of Inspector General is committed to addressing complaints against members of the Department.

You may be contacted during the course of the investigation and should receive a letter upon the resolution of your complaint.

Should you have any questions, please do not hesitate to contact our office.

Respectfully,

A handwritten signature in black ink, appearing to read 'Bonnie Casey-Moore'.

Bonnie Casey-Moore, Captain
Office of Inspector General
Texas Department of Public Safety

BCM:mgm

cc: Thomas Ruocco, Chief, Criminal Investigation Division

12/16/2014

10:01pm

On December 15, 2014 between 8:30 and 9:00pm I was in the bath when I heard a knock at my door. I got out the tube and wrap the towel around me and went to the door to see who it was, after seeing the two sheriffs, I crack the door and ask them what the hell they want. The fat tall sheriffs said we are here to do verification. I said ok let me go put some clothes on and proceeded to close the door until I return and the fat tall sheriff started to walk up the steps to enter my place and I told him not to come in my house. As I went to close the door he, the fat tall sheriff stuck his foot in my door and tried to force the door open. I stood there holding the door as he pushed on the door, opposite and equal force; we exchanged words while I held the door. The force applied to the door has left the door off balance to the point I have to left and force the door to close now. After looking at my video I notice the sheriffs walking around my place searching with flash lights in my back yard before I even got to the door. My place is private property and under no circumstances did I or would I give the sheriff department permission to enter the property nor search the property. The actions of the sheriff at my door could have easily turned into an ugly situation that would have required time, money and possible tears on both sides. I will pursue this to whatever level of court I have to take it to.

James McNeal

DA.

R. Lowell Thompson

903-654-3045

CONFIDENTIAL SUPPLEMENT

PAGE #	4	DATE	12/08/2016	INCIDENT NUMBER	C16-27040	REPORTING OFFICER	Kristopher Matthews	CODE #	219826	VICTIM NAME	STATE OF TEXAS, PEOPLE OF
---------------	---	-------------	------------	------------------------	-----------	--------------------------	---------------------	---------------	--------	--------------------	---------------------------

NAME:	Last	First	Middle	SEX:	AGE:	EMP. PHONE	RACE:
<input type="checkbox"/> (M) Male	<input type="checkbox"/> (U) Unk	<input type="checkbox"/> (00) Unknown	<input type="checkbox"/> (W) White	<input type="checkbox"/> (B) Black	<input type="checkbox"/> (A) Asian/Pacific	<input type="checkbox"/> (I) American Indian	<input type="checkbox"/> (H) Hawaiian
<input type="checkbox"/> (F) Female	<input type="checkbox"/> (U) Unk	<input type="checkbox"/> (00) Unknown	<input type="checkbox"/> (W) White	<input type="checkbox"/> (B) Black	<input type="checkbox"/> (A) Asian/Pacific	<input type="checkbox"/> (I) American Indian	<input type="checkbox"/> (H) Hawaiian

NAME:	Last	First	Middle	SEX:	AGE:	EMP. PHONE	RACE:
<input type="checkbox"/> (M) Male	<input type="checkbox"/> (U) Unk	<input type="checkbox"/> (00) Unknown	<input type="checkbox"/> (W) White	<input type="checkbox"/> (B) Black	<input type="checkbox"/> (A) Asian/Pacific	<input type="checkbox"/> (I) American Indian	<input type="checkbox"/> (H) Hawaiian
<input type="checkbox"/> (F) Female	<input type="checkbox"/> (U) Unk	<input type="checkbox"/> (00) Unknown	<input type="checkbox"/> (W) White	<input type="checkbox"/> (B) Black	<input type="checkbox"/> (A) Asian/Pacific	<input type="checkbox"/> (I) American Indian	<input type="checkbox"/> (H) Hawaiian

NARRATIVE:
 On 12-08-2016 Sgt. Matthews went to 15501 FM 744 in reference to an address verification on James McNeal.
 After arriving on scene, Deputy Matthews contact dispatch by radio and ran the Texas Driver's license that James McNeal gave to the Sheriff's Office when he registered. Deputy Matthews was advised by dispatch that James's had warrants out of Dallas PD for class C. Deputy Matthews then meet with a black male subject at the back door of the single wide residence. The black male subject opened the door about three inches and Deputy Matthews asked if his name was James McNeal. He said it was and Deputy Matthews then asked for identification. The black male subject then said he would be right back acting upset and returned with his Texas Drivers licenses. Jame's handed Deputy Matthews his licenses and he was still upset tell Deputy that I was not allowed in his residence. Deputy Matthews advised James that at this point Deputy Matthews had not asked to come into the residence. Deputy Matthews advised James that if he did not want to cooperate with the verification Deputy Matthews could leave and report that he was not cooperating. Deputy Matthews verified the address by the drivers license and advised James that he had warrants out of Dallas PD that he needed to take care off. James advised that he did not have warrants and Deputy Matthews advised him that his license showed warrants. Deputy Matthews then left the location with out any further incidents to report.

CONFIDENTIAL SUPPLEMENT

PAGE #	4	DATE	12/09/2017	INCIDENT NUMBER	C17-38189	REPORTING OFFICER	ERIC WILSON	CODE #	373662	VICTIM NAME	STATE OF TEXAS, PEOPLE OF			
NAME:	Last, First, Middle	SEX:	(M) Male (F) Female (U) Unk.	AGE:	(00) Unknown	EMP. PHONE	RACE:	(A) Asian/Pacific (I) American Indian (W) White (B) Black (U) Unk.	RESIDENT ADDRESS:	Street, City, State, Zip	RESIDENT PHONE	EMP. PHONE	RACE:	(A) Asian/Pacific (I) American Indian (W) White (B) Black (U) Unk.
<p>NARRATIVE:</p> <p>On 12/09/2017 at 1940hrs, Deputy Wilson went to 15501 Em 744 Purdon, TX in reference to an address verification on James E. McNeal. Upon arrival at the above location, Deputy Wilson met with James. James advised that he is still currently living at this location. James provided Deputy Wilson with James's TX DL and Sex Offender Blue card with this location on both. Deputy Wilson cleared with address verified. End of Report</p> <p>Eric Wilson</p>														

SECRET

OFFENSE REPORT (764079.1)

Case Number: C14-16235 by Officer 134I (BURRIS, SHAWN) 12/15/14
7:58pm

On 12-15-2014 at approximately 19:58 hours Deputy Burris and Richards arrived at 15501 FM 744 Purdon in reference to address verification on James Mcneal.

Deputies arrived at the location and met with McNeal. McNeal advised that his information had not changed since the last time he registered. James McNeal provided Deputies with a current driver's license verifying his information.

Address verified.

End of report.

Deputy S. Burris 134I

RE: information request

From: Kristin M. Bates (kbates@ncsotx.org)
To: mcne3898@yahoo.com
Date: Friday, November 6, 2020, 9:29 AM CST

Mr. McNeal,

I located 2 different times that the Navarro County Sheriff's Office went out to your house (15501 FM 744, Purdon, TX 76679) during the time frame you gave below.

On 12/30/2019 Deputy Ryan Gantt went to your address for your address verification for your annual verification.

On 01/22/2020, Texas Department of Public Safety, Criminal Investigations Division in partnership with the Navarro County Sheriff's Office conducted a compliance operation of registered sex offenders throughout Navarro County. I can tell you that the Navarro County Deputy that went to your address with the DPS Officer was Sgt. Jeff Harbuck. I do not know who went to your location on behalf of DPS. You will need to contact their agency to see if they can tell you who went out with Sgt. Harbuck. The local DPS office's number is 903-872-5633. If they cannot help you they should be able to direct you to the correct office.

Kristin Bates, Deputy

Navarro County Sheriff's Office

312 W 2nd Ave

Corsicana, TX 75110

903-654-3002

From: james mcneal [mailto:mcne3898@yahoo.com]
Sent: Thursday, November 5, 2020 12:14 PM
To: Kristin M. Bates <KBates@ncsotx.org>
Subject: information request